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DATE: May 1, 2006

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FROM: Mitchell K. McCarthy, Registration No. 38,794

TO: Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ADDRESSEE/ORGANIZATION	FAX NO.	TELEPHONE NO.
Art Group 3673	571/273-8300	571/272-4100

RE: Application No.: 10/772,509
In re application of: Mark Temple
Dkt. No.: MT001

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PATENT
Dkt. MT001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Mark Temple**
Application No.: **10/772,509** Group No.: **3673**
Filed: **February 5, 2004** Examiner: **Fredrick Conley**
For: **SUPPORTIVE UPPER BODY CONSTRAINT DEVICE**

**RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. § 1.116) for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for one month:

Fee: \$60.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office. (571) 273 - 8300.

Date: May 1, 2006

Diana C. Anderson
Signature

Diana C. Anderson

(type or print name of person certifying)

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FEE FOR CLAIMS

MAY 01 2006

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)		SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	13	MINUS	20	= 0x	\$ 25.00	= \$ 0.00
INDEP	2	MINUS	3	= 0 x	\$ 100.00	= \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+	\$ 0.00	= \$ 0.00
TOTAL						\$ 0.00
ADDIT. FEE						

No additional fee for claims is required.

FEE PAYMENT

5. Authorization is hereby made to charge the amount of \$60.00 to Credit card as shown on the attached credit card information authorization form PTO-2038.

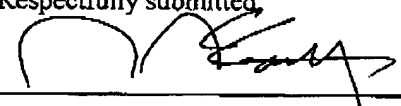
Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 06-0540.

FEE DEFICIENCY

6. If any additional extension and/or fee is required, charge Account No. 06-0540.
If any additional fee for claims is required, charge Account No. 06-0540.

Respectfully submitted,

Date: 5/1/2006


 Mitchell K. McCarthy, Registration No. 38,794
 Randall K. McCarthy, Registration No. 39,297
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Applicant Initiated Interview Request Form

Application No.: 10 /772,509 First Named Applicant: Mark Temple
 Examiner: Fredrick Conley Art Unit: 3673 Status of Application: Pending

Tentative Participants:

(1) Examiner Fredrick Conley (2) Supervisor Heather Shackelford
 (3) Mitchell K. McCarthy (4) _____

Proposed Date of Interview: to be determined by Examiner Proposed Time: _____ (AM/PM)
after consideration of amendment

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>1</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej.</u>	<u>7</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					

Brief Description of Arguments to be Presented:

This case is not in condition for appeal until the factual and legal errors upon which the final rejection of claims 1 and 7 are based can be resolved. This interview is necessary for that resolution.

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Mitchell K. McCarthy

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

38,794

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22304-1460.